

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
MCALLEN DIVISION

JANE DOE
Plaintiff

VS.

EDINBURG CONSOLIDATED
INDEPENDENT SCHOOL DISTRICT
Defendant

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CIVIL ACTION NO. 7:19-CV-00309
(JURY REQUESTED)

**DEFENDANT'S EDINBURG CONSOLIDATED INDEPENDENT SCHOOL DISTRICT
RESPONSES TO PLAINTIFF'S REQUEST FOR PRODUCTION**

To: Plaintiff by and through her attorney of record:

Anthony G. Buzbee
Cornelia Brandfield-Harvey
The Buzbee Law Firm
600 Travis, Suite 7300
Houston, Texas 77002

COMES NOW, EDINBURG CONSOLIDATED INDEPENDENT SCHOOL DISTRICT, Defendant in the above-styled and numbered cause and pursuant to Rule 196 of the Texas Rules of Civil Procedure attached hereto makes the following responses and objections to Plaintiff's Request for Production. Defendant reserves the right to supplement, modify or amend the information provided below.

Signed on **January 17, 2020.**

Respectfully submitted,

ESPARZA & GARZA, L.L.P.

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By: /s/ Eduardo G Garza

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Attorneys for Defendant

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that on **January 17, 2020**, a true and correct copy of the foregoing **Defendant's Edinburg Consolidated Independent School District Responses to Plaintiff's Request for Production** has been served on all attorneys of record as noted below:

Via Regular Mail

And E-Mail

Anthony G. Buzbee

Cornelia Brandfield-Harvey

The Buzbee Law Firm

600 Travis, Suite 7300

Houston, Texas 77002

Via E-mail and

Regular Mail

Aaron I. Vela

Law Office of Aaron I. Vela, P.C.

200 East Cano

Edinburg, Texas 78539

By: /s/ Eduardo G Garza

Eduardo G Garza

**FIRST REQUESTS FOR PRODUCTION TO
DEFENDANT EDINBURG CISD**

1. Please produce the personnel file for Francisco Coronado Badillo.

RESPONSE:

Please see Exhibit A

2. Please produce the personnel file for Rene Gutierrez.

RESPONSE:

Defendant objects to this request as seeking information that is irrelevant and not reasonably calculated to lead to the discovery of admissible evidence.

Defendant further objects to this request as seeking to invade the personal privacy rights of Defendant's employee or former employee.

3. Please produce the personnel file for Dr. Jennifer. Mendoza-Culberson.

RESPONSE:

Defendant objects to this request as seeking information that is irrelevant and not reasonably calculated to lead to the discovery of admissible evidence.

Defendant further objects to this request as seeking to invade the personal privacy rights of Defendant's employee or former employee.

4. Please produce any and all security videos from Robert Vela High School for the 2016-2017 year.

RESPONSE:

Please See Exhibits B and C

5. Documents reflecting any and all complaints of sexual abuse, sexual assault, assault, or mistreatment (to include lawsuits) that have allegedly occurred at Edinburg CISD over the past seven years, including documents reflecting the nature of the complaint, who complained, when the complaint was made, what investigation you did in response to the complaint, any action you took, and the final disposition of the complaint. DO NOT RESTRICT THIS REQUEST TO INCIDENTS INVOLVING STAFF.

RESPONSE:

Defendant objects to this request as seeking information that is irrelevant and not reasonably calculated to lead to the discovery of admissible evidence.

Defendant further objects to this request as seeking to invade the personal privacy rights of Defendant's students and would potentially call for a violation of FERPA by Defendant.

6. Produce all emails or other electronic data pertaining to the allegations in this case.

RESPONSE:

Please see exhibits D-F

7. Please produce a copy of the policy that requires a staff member to immediately report to a parent any suspicion of sexual activity of a minor or sexual abuse.

RESPONSE:

Please see exhibits J-M

8. Please provide a copy of the policy or procedure that allows a teacher and/or staff member to remove a child from the classroom.

RESPONSE:

There is no specific policy that sets out a specific procedure for removing students from a classroom. Students can be removed by administration, security or campus police for official school district related issues. Teachers are given the discretion as to whether or not they permit a student to be temporarily excused from class for extra-curricular activities or some other academic need but there are no sanctioned situations where students are removed from class to be taken to an isolated area as opposed to an ongoing class or the office. Hall monitors, security guards and police officers are on campus for the protection of students and staff.

9. Please provide any policy or procedure pertaining to the alleged conduct of Francisco Coronado Badillo.

RESPONSE:

Defendant objects to this request as being overlybroad, vague and confusing.

10. Please provide a copy of any policy or procedure that addresses removing a child from the classroom, and monitoring of that child or the whereabouts of that child once the child has left the classroom.

RESPONSE:

There is no specific policy that sets out a specific procedure for removing students from a classroom. Students can be removed by administration, security or campus police for official school district related issues. Teachers are given the discretion as to whether or not they permit a student to be temporarily excused from class for extra-curricular activities or some other academic need but there are no sanctioned situations where students are removed from class to be taken to an isolated area as opposed to an ongoing class or the office. Hall monitors, security guards and police officers are on campus for the protection of students and staff.

11. Please provide a copy of any policy or procedure that addresses absence of a student from class.

RESPONSE:

There is no specific policy that sets out a specific procedure for removing students from a classroom. Students can be removed by administration, security or campus police for official school district related issues. Teachers are given the discretion as to whether or not they permit a student to be temporarily excused from class for extra-curricular activities or some other academic need but there are no sanctioned situations where students are removed from class to be taken to an isolated area as opposed to an ongoing class or the office. Hall monitors, security guards and police officers are on campus for the protection of students and staff.

12. Please produce all non-privileged documents pertaining to any investigation you performed as a result of the allegations in this case.

RESPONSE:

Please see the attached exhibits

13. Please produce documents demonstrating any and all complaints received by you pertaining to the conduct of Francisco Coronado Badillo.

RESPONSE:

None prior to the documents attached hereto.

14. Please produce the complete educational file pertaining to Plaintiff in this case, including any ARD files, and classroom notes or behavior sheets.

RESPONSE:

Please see Exhibit H

15. Please produce any and all documents indicating that Francisco Coronado Badillo received any training at your school.

RESPONSE:

Please see Exhibits J - M

16. Please produce documents that would indicate who was supposed to supervise Francisco Coronado Badillo.

RESPONSE:

Please see Exhibit G

17. Please produce any documents pertaining to any policy changes that took place in the year 2017 pertaining to the detection, investigation, or prevention of sexual assault.

RESPONSE:

None

18. Please produce any documents pertaining to any policy changes that took place in the year

2013 pertaining to the detection, investigation, or prevention of sexual assault.

RESPONSE:

None

19. Please produce any documents pertaining to any policy changes that took place in the year 2014 pertaining to the detection, investigation, or prevention of sexual assault.

RESPONSE:

None

20. Please produce the job description for “Career and Technical Education Teacher,” and provide any documentation establishing that said position exists at any other school within Edinburg CISD.

RESPONSE:

Please see Exhibit I

21. Please produce the personnel file for Jessica Garcia Badillo.

RESPONSE:

Defendant objects to this request as seeking information that is irrelevant and not reasonably calculated to lead to the discovery of admissible evidence.

Defendant further objects to this request as seeking to invade the personal privacy rights of Defendant’s employee or former employee.

22. Please produce the personnel file for Francisco Lumbreras.

RESPONSE:

Defendant objects to this request as seeking information that is irrelevant and not reasonably calculated to lead to the discovery of admissible evidence.

Defendant further objects to this request as seeking to invade the personal privacy rights of Defendant’s employee or former employee.